

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

REGINA GUESS,

Plaintiff,

-vs-

**No. 6:17-CV-06121 (MAT)
DECISION AND ORDER**

DR. BABAK S. JAHROMI,
CYNTHIA A. ZINK,
SUSAN A. MOODY,

Defendants.

I. Background

Plaintiff Regina Guess ("plaintiff"), proceeding *pro se*, has filed three actions alleging claims relating to her employment with the University of Rochester Medical Center. The first, which alleged claims of discrimination and retaliation in violation of the Americans with Disabilities Act ("ADA"), was dismissed by this Court on August 17, 2015, in a Decision and Order granting defendant URMIC's motion for summary judgment. See Guess v. Univ. of Rochester, 2015 WL 4891377, *1 (W.D.N.Y. Aug. 17, 2015), reconsideration denied, 2015 WL 5824854 (W.D.N.Y. Oct. 6, 2015), appeal dismissed (2d Cir. 15-3325) (Dec. 30, 2015) (Guess I). Plaintiff's second action was dismissed with prejudice by Decision and Order of this Court dated October 20, 2016. See Guess v. Jahromi, No. 6:16-CV-06637 (MAT), Doc. 8 (October 20, 2016) (Guess II). The instant action was likewise dismissed with prejudice by Decision and Order dated March 21, 2017. See Guess v. Jahromi, 2017 WL 1063474 (Mar. 21, 2017) (Guess III).

II. Discussion

In the course of these three actions, plaintiff has filed numerous motions for reconsideration and other relief which have been denied by the Court since the motions uniformly lacked merit. The most recent motion for reconsideration, filed by plaintiff on March 27, 2017, was denied by text order of this Court dated April 21, 2017. Plaintiff now files two additional motions, in which she requests various forms of relief including reconsideration, a hearing or a court conference, and permission to file an appeal in her original case, Guess I.¹ Plaintiff's motions (docs. 8, 9) are denied as moot as this case is closed.

The court hereby advises plaintiff that each of her prior three actions, including the instant case, are closed and instructs her not to file further frivolous motions in this case or the associated cases of Guess I, No. 6:11-CV-06473 and Guess II, No. 6:16-CV-06637. Plaintiff is also advised that future filing of frivolous motions in these matters, as well as future filing of any new matter involving the same facts or claims as the three prior cases, may result in sanctions. See Chambers v. NASCO, Inc., 501 U.S. 32 (1991) (district court has inherent authority to sanction parties appearing before it for acting in bad faith, vexatiously, or wantonly); Sassower v. Field, 973 F.2d 75, 80-81 (2d Cir. 1992) (upholding sanctions against vexatious pro se litigant). The Clerk

¹ The Court notes that the Second Circuit Court of Appeals dismissed plaintiff's appeal in that case on December 30, 2015. See Guess I, 2015 WL 5824854, appeal dismissed (2d Cir. 15-3325).

of the Court is instructed to refuse to accept any future filings by plaintiff in the cases of Guess I, No. 6:11-CV-06473, Guess II, No. 6:16-CV-06637, and Guess III, No. 6:17-CV-06121, without first obtaining approval from this Court.

III. Conclusion

For the reasons stated above, plaintiff's motions (docs. 8, 9) are denied as moot. For the same reasons as stated in Guess III, 2016 WL 6695875, at *1-2, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Decision and Order would not be taken in good faith. This case is to remain closed. The Clerk of the Court is instructed to refuse to accept any future filings by plaintiff in the cases of Guess I, No. 6:11-CV-06473, Guess II, No. 6:16-CV-06637, and Guess III, No. 6:17-CV-06121, without first obtaining approval from this Court.

ALL OF THE ABOVE IS SO ORDERED.

S/Michael A. Telesca

HON. MICHAEL A. TELESCA
United States District Judge

Dated: April 26, 2017
Rochester, New York.